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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| MOONSCOOP SAS, ET AL., |) | CASE NO. 1:09CV1885 |
| |) | |
| Plaintiffs, |) | JUDGE JAMES S. GWIN |
| |) | |
| v. |) | |
| |) | |
| AMERICAN GREETINGS CORPORATION, |) | |
| |) | |
| Defendant. |) | |
| |) | |

PLAINTIFFS' UNOPPOSED MOTION TO SUBSTITUTE EXPERT WITNESS

Plaintiffs MoonScoop SAS, et al., move for an order granting them leave to substitute Dr. Marc Vellrath as their expert witness on damages for their previously-designated expert, John C. Jarosz, because Mr. Jarosz will be unavailable for trial of this case. Defendant American Greetings has consented to this motion.

If MoonScoop is not allowed to substitute, MoonScoop will be substantially prejudiced by not having any expert who can testify on its behalf as to damages or to rebut American Greetings' expert. As indicated by its consent, American Greetings will not be prejudiced by the substitution, and MoonScoop does not seek to disrupt the trial schedule. Under these circumstances, MoonScoop respectfully submits that a substitution of expert is appropriate.

RELEVANT FACTS

MoonScoop retained Mr. Jarosz as its expert witness on damages. Mr. Jarosz timely produced an Expert Report dated March 25, 2010. American Greetings therefore has had Mr. Jarosz's opinions for more than two years. Although the initial deadline for expert reports has passed, discovery in this case has not closed; summary judgment was granted and that judgment